(1) SINGLE BENCH CF

(4) Rs. 200/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 1056 / 2007

PETITIONER : 1. Maheshwar Singh Kaur, S/o. Shri Puna Ram Kaur, aged about 42 years, Upper Division Teacher Govt. Ideal Hr. Secondary School - Dondi, Block – Dondi, Distt.- Durg (C.G.)

2. Ku. Geeta Gupta D/o. Shri Radhey Krishna Gupta, aged about 41 years, Upper Division Teacher, Tribal Welfare Govt. Hr. Sec. School - Kusumkasa, Block – Dondi, Distt.- Durg (C.G.)

P.R. No. 1340/07
Presented by Shri A.S. Rajput
Dated 14-02-2007

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
Bilaspur Chhattisgarh

VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary, Department of Tribal Welfare, D.K.S. Bhawan, Raipur (C.G.)

2. Commissioner Triabal Welfare Chhattisgarh Govt. Raipur

3. Assistant Commissioner, Tribal Welfare Department Distt. –Durg (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1056 of 2007

Petitioners : Maheshwar Singh Kaur and another

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.S. Rajput, Advocate for the petitioners.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 26th Day of February, 2007)

1. The petitioners were appointed in the year 1993 as Upper Division Teachers on fixed pay scale of Rs. 1400/-. After completion of two year probation, they were granted regular pay scale.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed

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by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in W. P. No. 1890/2003 {Chhattisgarh Shikchak Sangh (Teachers Association) vs. State of Chhattisgarh & others}, which was disposed of vide order dated 6.4.2005. They further submit that the question of law involved is also the same.

5. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash